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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/620,732
Filing Date: July 16, 2003
Appellant(s): WEILAND ET AL.

Frank J. Kozak
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/11/2008 and the supplemental brief 5/22/2008 appealing from the Office action mailed 10/31/2007:

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/20/2008 appealing from the Office action mailed December 26, 2007.

(1) Real Party In Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any other related appeals, interference, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Boards' decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the supplemental brief is correct.

(5) Summary of Claimed Subject Matter

The appellant's statement of the summary of the claimed subject matter is correct.

(6) Ground of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be viewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contains in the Appendix to the brief is correct

(8) Evidence Relied Upon

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(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-12, and 14-21 are rejected under 35 U.S.C. 102 (b) as being anticipated by Tamai et al. (US 5902350A).

Regarding claim 1, Tamai et al. directs to a system/method for presenting lanes with a road database (see figure 7, map database 306) comprising: storing in the database data representation of physical road lanes (figure 7, map database 306 stores road data including attribute data, positional data, etc; figure 2a shows a segment of road with physical lanes retrieved from said database); and associating with each data represents a physical road data indicating start and end points of the represented physical road lane (figure 2a shows segment of data including start and end point; and data indicating what linearly extending physical features are adjacent to and extend along the represented physical road lane on a right side and a left side (figure 2a, 2b, and associated text in column 2, lines 41-65, the left turn lane 30 is a linearly feature adjacent to the road lane 24 and another lane on the left).

As to claim 2, Tamai et al. shows in figure 2a that the left turn lane (30) located adjacent the road (24) and that the left turn lane can be entered by a lane change from the road (24).

As to claim 3, Tamai et al. also shows in figure 4a that the road adjacent to the road (52), which is the road (54) can not be entered by a lane change from the road (52) except for a U-turn.

As to claim 4, Tamai et al. shows that the left turn lane (30) adjacent to and extend along the road (24) that is less than full width and that becomes a physical road lane of full width immediately ahead in a direction of travel of the physical road lane (figure 2a, the left turn lane (30) becomes a full width immediately ahead in a direction of travel but it ends at the intersection with the road 26).

As to claim 5, Tamai et al. teaches that the left turn lane (30) ends entirely immediately ahead in a direction of travel of the left turn lane (30) (see figures 2a and 4a).

As to claim 6, Tamai et al. shows a shoulder located adjacent to the road (62) (figure 11a).

As to claim 7, the left turn lane (30) shown in figure (2a) is a drivable surface located adjacent to the road (24).

As to claim 8, there is shown in figure 3a the median (44) is a no drivable surface located adjacent to the road (38).

As to claims 9 and 11, the left lane shows in figure 2a represents a sublane of road lane (24), wherein said sublane includes start and end points which are relative to an end of the road (24).

As to claim 10, Tamai teaches a left turn lane and a right turn lane each includes data indicating start and end points (figure 2a includes a left turn lane, and figure 11a includes a right turn lane).

As to claims 12 and 14, figure 2a clearly shows the left turn lane (30) indicating a geometry of the road (24), wherein the geometry is represented using a spline.

As to claim 15, as set forth in column 5, lines 46-52, the data that represents physical road lane comprises a reference to at least one data entity used for navigation-related purposes that represents the road segment of which the physical road lane is a part.

As to claim 16, figure 2a shows the road with full width and the left turn lane is less than full width.

Regarding claims 17-21, Tamai et al. directs to a system/method for presenting lanes with a road database (see figure 7, map database 306) comprising: storing in the database data representation of physical road lanes (figure 7, map database 306 stores road data including attribute data, positional data, etc; figure 2a shows a segment of road retrieved from said database); and associating with each data representation of a physical road data indicating start and end points of the represented physical road lane (figures 2a, 2b, 3a, 3b, 4a, 4b shows segment of data including start and end point; and data indicating what linearly extending physical features are adjacent to and extend

along the represented physical road lane on a right side and a left side (figure 2a, 2b, and associated text in column 2, lines 41-65, the left turn lane 30 is a linearly feature adjacent to the road 24; figure 9, the right turn lane 66 is adjacent to the main road 62).

(10) Response to Argument

On page 4 of the brief, the appellant traverses the rejection of claim 1 because according to the appellant, Tamai reference fails to disclose three limitations of the claims, specially (1) "data representations of physical road lanes," (2) "data" that indicates the "start and end points" of the "represented physical road lane" and (3) "data" that indicates "what linearly extending physical features are adjacent to and extend along the represented physical road lane on a right side and a left side thereof." In opposite to the applicant, the examiner has found the reference to Tamai et al. identically discloses each and every limitations of the claim. It is noted that the applicant should considering the cited reference as a whole and not only for what the examiner has cited.

First, Tamai teaches a system/method for representing lanes with a road database (306), comprising storing in said road database data representation of physical road lanes. For example, as shown figure 7 of Tamai, and the associated text in column 6, lines 31-34, the map database (306) stores positional data and road attribute data for the road segment comprising intersection, wherein the positional data and road attribute data are the representation of physical road lanes. Tamai further discloses associating with each data representation of physical road lane data indicating start and end points of the represented physical road lane. As set forth in column 5,

lines 42-55, Tamai teaches the latitude and longitude coordinate that describes road segments as the data indicating start and end points of a physical road lane. Tamai further discloses that map database (306) stores road attribute data for road segment comprising data such as dividers (see column 5, lines 46-52) indicating what linearly extending physical features are adjacent to and extend along the represented physical road lane on a right side and a left side.

As to claim 2, as shown in figure 2a, the left turn lane (30) located adjacent the road (24) and that the left turn lane can be entered by a lane change from the road (24). In addition to the figure 2a, figure 11a shows a physical features adjacent to and extend along the physical road lane (62) indicate that another physical road lane (66) is located adjacent to the represented road lane (62) on a specified side and that the road lane (66) can be entered by a lane change from said road lane (66).

As to claim 3, claim 3 further requires another physical road lane is located adjacent to the represented road lane on a specified side and that another physical road lane cannot be entered by a lane change from said represented physical road lane. It is noted that Tamai et al. further discloses another physical road lane which cannot be entered by a lane change from said represented physical road lane. Example, in figure 4a, the road (54) adjacent to the road (52) cannot be entered by a lane change from the road (52) except for a U-turn.

As to claim 4, Tamai et al. shows that the left turn lane (30) adjacent to and extend along the road (24) that is less than full width and that becomes a physical road lane of full width immediately ahead in a direction of travel of the physical road lane

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(figure 2a, the left turn lane (30) becomes a full width immediately ahead in a direction of travel but it ends at the intersection with the road 26).

As to claim 5, Tamai et al. teaches that the left turn lane (30) ends entirely immediately ahead in a direction of travel of the left turn lane (30) (see figures 2a and 4a).

As to claim 6, Tamai et al. shows a shoulder located adjacent to the road (62) (figure 11a).

As to claim 7, the left turn lane (30) shown in figure (2a) is a drivable surface located adjacent to the road (24).

As to claim 8, there is shown in figure 3a the median (44) is a no drivable surface located adjacent to the road (38).

As to claims 9 and 11, the left lane shows in figure 2a represents a sublane of road lane (24), wherein said sublane includes start and end points which are relative to an end of the road (24). Additionally, as considering the cited reference to Tamai as a whole, the applicant should be noted that figure 11a is also showing a sublane (66) of the road lane (62), wherein said sublane (66) physically comprises start and end points.

As to claim 10, Tamai teaches a left turn lane and a right turn lane each includes data indicating start and end points (figure 2a includes a left turn lane, and figure 11a includes a right turn lane).

As to claims 12 and 14, figure 2a clearly shows the left turn lane (30) indicating a geometry of the road (24), wherein the geometry is represented using a spline.

As to claim 15, as set forth in column 5, lines 46-52, the data that represents physical road lane comprises a reference to at least one data entity used for navigation-related purposes that represents the road segment of which the physical road lane is a part.

As to claim 16, figure 2a shows the road with full width and the left turn lane is less than full width.

Regarding claims 17-21, Tamai et al. directs to a system/method for presenting lanes with a road database (see figure 7, map database 306) comprising: method for representing lanes with a road database (306) comprising: storing in the road database data representation of physical road lanes. As shown figure 7, and the associated text in column 6, lines 31-34, the map database (306) stores positional data and road attribute data for the road segment comprising intersection, wherein the positional data and road attribute data are the representation of physical road lanes. Tamai further discloses associating with each data representation of physical road lane data indicating start and end points of the represented physical road lane. For example, in column 5, lines 42-55, the latitude and longitude coordinate describing road segments are the data indicating start and end points of a physical road lane. Tamai further discloses that map database (306) stores road attribute data for the road segment comprising the turn lane which is disclosed as a sublane of a lane (see column 6, lines 52-57).

For the forgoing reason, the claims listed above would not be patentable over the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interference section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Respectfully submitted,

Conferees:

Tuan C To (Examiner) /TT/

Jack Keith (S.P.E) /jwk/

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/Tuan C To/

Primary Examiner of Art Unit 3663/3600

July 31, 2008